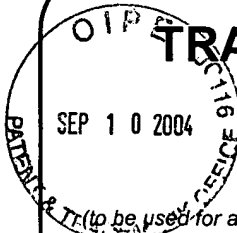


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 <b>TRANSMITTAL FORM</b> <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/090,316	
	Filing Date	March 1, 2002	
	First Inventor	Peter G. Borden	
	Confirmation No.	5495	
	Group Art Unit	2877	
	Examiner Name	Rosenberger, Richard A.	
Total Number Of Pages In This Submission	18	Attorney Docket No.	BOX006 US

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form (1 page in duplicate) <input checked="" type="checkbox"/> Fee Attached -- Check <input checked="" type="checkbox"/> Amendment / Reply (11 pages) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declarations <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement (2 pages) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> This is a Response to Missing Parts/ Incomplete Application under 37 CFR 1.52 or 1.53 <input type="checkbox"/> Copy of Notice To File Missing Parts (2 pages)	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation of Previous Powers; And Statement Under 37 CFR 3.73(b) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  RETURN RECEIPT POSTCARD PTO 1449 (3 pages); Copies of 33 Cited References		
<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 20%; height: 40px; vertical-align: top;">Remarks</td><td style="vertical-align: top;">Please charge Deposit Account 50-2263 for any underpaid fee.</td></tr></table>			Remarks	Please charge Deposit Account 50-2263 for any underpaid fee.
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**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm or Individual Name	Omkar K. Suryadevara (Reg. No. 36,320) Silicon Valley Patent Group LLP 2350 Mission College Boulevard, Suite 360 Santa Clara, California 95054
Signature	<i>S. Omkar</i> — Reg 36,320
Date	Sept 10, 2004

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Appl. No.	10/090,316	Confirmation No.	5495
First Inventor	Peter G. Borden	Filing Date	March 1, 2002
Tech. Center/ Art Unit	2877	Examiner	Rosenberger
Title:	Apparatus and Method For Measuring A Property Of A Layer In A Multilayered Structure		
Docket No.:	BOX006 US	Customer No.:	34036

Santa Clara, California  
September 10, 2004

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**AMENDMENT**

Dear Sir:

In response to Office Action dated June 10, 2004, please amend the above-identified application as follows.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 8 of this paper.